

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL MISC.APPLICATION NO.1554 OF 2005
IN
CRIMINAL APPEAL NO.235 OF 2004
IN
SPECIAL CASE NO.30 OF 1992

Kisan Baburao Vetal ...Applicant

Versus

The Inspector of Police,

Anti-Corruption Bureau & Anr. ...Respondents

.....

Mr.M.Unnikrishnan for Applicant.

Mrs.G.P.Mulekar, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 21, 2005.

P.C.

1. Heard Counsel for the parties.

2. Insofar as the question of relieving the Applicant from the condition imposed by the Court in respect of immovable properties referred to in Schedule I of the application is concerned, that

request will have to be rejected. Appropriate order will be passed in respect of immovable properties at the final hearing of the appeal. In other words, Applicant will not be entitled to create third party rights in any manner in the immovable properties referred to in Schedule I during the pendency of the Appeal and Applicant will have to abide by the decision of this Court in appeal.

3. Insofar as movable property referred to in Schedule II is concerned, as the final order passed by the Trial Court is to confiscate only sum of Rs.1,99,615.75 (Rupees One Lakh Ninety-nine Thousand Six Hundred Fifteen & Paise Seventy-five Only) out of the said properties, and as the Applicant undertakes to deposit the said amount of Rs.1,99,615.75 (Rupees One Lakh Ninety-nine Thousand Six Hundred Fifteen & Seventy-five Paise), the movable properties referred to in Schedule II may be made over to the Applicant "after such amount is deposited in this Court". It is made clear that while handing over movable properties referred to in Schedule II, current value of the

said properties will have to be ascertained, so that, in case, the movable properties are disposed of, appropriate direction can be passed in appeal while finally disposing of the appeal requiring the applicant to bring back the amount in excess of Rs.1,99,615.75, which will be equivalent to the current value of the movable assets referred to in Schedule II.

4. It is made clear that the Applicant is permitted to take away movable properties referred to in Schedule II, without prejudice to the questions that will be considered in the appeal and in further proceedings to be taken out by the State of Maharashtra for confiscation of further amount in the event of dismissal of the appeal. The Applicant through his Counsel, undertakes to abide by such directions as may be passed in the appeal. On that understanding, Applicant is allowed to avail of the movable assets referred to in Schedule II in compliance of the conditions referred to above.

5. Application disposed of on the above

terms.

A.M.KHANWILKAR, J.